

## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **Proposed Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA, Department of Homeland Security)

**SUMMARY:** Technical information or comments are solicited on the proposed and proposed modified Base (1-percent-annual-chance) Flood Elevations (BFEs) shown on the Preliminary revised Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for your community. Comments on any aspect of the FIS and FIRM, other than the proposed BFEs, will also be considered. These BFEs and modified BFEs are the basis for the floodplain management measures that your community is required to either adopt or show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition these BFEs, once finalized, will be used by insurance agents, and others to calculate the appropriate flood insurance premium rates for new buildings and the contents in these buildings.

**DATES & SUBMISSION:** The appeal period begins following the second publication of the Notice of this proposed BFE determination in a newspaper of local circulation in your community and ends 90 days thereafter. All comments and/or appeals must be submitted no later than 90 days after the second publication of the Notice in the local newspaper to:

**Town of Magnolia:** The Honorable Jimmy Thornton, Mayor, Town of Magnolia, 18111 Buddy Riley Boulevard, Magnolia, TX 77354

**Town of Roman Forest:** The Honorable Floyd Jackson, Mayor, Town of Roman Forest, 2430 Roman Forest Boulevard, New Caney, TX 77357

**ADDRESSES:** The FIS and FIRM showing the proposed and proposed modified BFEs can be viewed at:

**Town of Magnolia:** 510 Magnolia Boulevard, Magnolia, TX 77356

**Town of Roman Forest:** 2430 Roman Forest Boulevard, New Caney, TX 77357

Lessees and owners of real property are encouraged to review the FIS report, FIRM, and related materials.

**FOR ADDITIONAL INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, Department of Homeland Security, 500 C Street SW, Washington, DC 20472. Telephone number (202) 646-4064.

**SUPPLEMENTARY INFORMATION:** FEMA gives notice of the proposed determinations of BFEs and modified BFEs in accordance with Section 110 of the Flood Disaster

Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These BFEs, with the floodplain management measures required by 44 CFR 60.3, are the minimum measures that are required. It should not be construed to mean your community must change any existing ordinances that are more stringent in its floodplain management requirements. Your community may, at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed and proposed modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the BFEs are finalized, and for the contents in those buildings.

Pursuant to the provisions of 5 U.S.C. 605(b), the Director for Mitigation, to whom authority has been delegated by the Director of FEMA, hereby certifies that the proposed BFE determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A BFE determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a community, will govern future construction within the floodplain area. By themselves, the BFE determinations impose no restriction unless and until the community voluntarily adopts floodplain ordinances in accord with these BFEs. Even if ordinances are adopted in compliance with Federal standards, the BFEs only prescribe building height in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; by itself, it has no economic impact.

Appellants must itemize each issue as an appeal or a comment. Appellants must identify themselves as the owner or lessee of property within the community, indicate how they heard about the proposed map change; describe how they believe their property rights have been adversely impacted within areas where new BFEs are proposed, and specify how the requirements of 44 CFR 67.6 have been met. Appellants should provide all other information they believe is helpful to the process that does not meet the conditions of being a formal appeal. Such information is considered a comment. Comments that are submitted within the appeal period that object to information on the FIRM or in the FIS report are called Protests. The issues raised (appeals and, comments) will be reviewed in aggregate and not addressed individually. Information must be sent directly to the community CEO. Any information submitted directly to FEMA without evidence that it was sent to the CEO within 90 days of the second publication in the local newspaper will be considered a comment.

During the formal appeal period, a community official or individual property owner may want to object to information shown on the FIRM, FBFM or FIS report. If the objection does not involve the proposed BFEs, it does not, in accordance with 44 CFR 67 constitute an appeal. Such objections are called protests, and protests should be sent directly to the community CEO and not to FEMA.

Individuals providing information and comments who have been determined by FEMA to meet the criteria of "appellant" as articulated in 44 CFR 67.5 will be sent a copy of the CEO letter, which name them as appellants. This letter will be issued within 180 days of the second publication in the local newspaper. Individuals who only provide comments and protests will not be notified. However, the information they submit will be considered in finalizing the BFEs. The resolution of the

appeal will be sent to the CEO and a copy sent to the appellants.

Use of a Scientific Resolution Panel (SRP) is available to your community in support of the appeal and protest resolution process when conflicting scientific or technical data is submitted during the appeal period. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and a local community have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal or protest. Additional information regarding the SRP process and eligibility requirements can be found in FEMA Procedure Memorandum No. 58, Implementing the Scientific Resolution Panel.

## PROPOSED AND MODIFIED BASE FLOOD ELEVATIONS

The new elevations being proposed are given in the table below for the upstream and downstream limits of the flooding sources.

Community	Flooding Source	Location	Lat/Long Coordinates	* Elevation in feet (NGVD) <sup>1</sup> + Elevation in feet (NAVD) <sup>2</sup> # Depth in feet above ground <sup>3</sup> ^ Elevation in meters (MSL) <sup>4</sup>	
				Existing	Modified
Town of Magnolia	Arnold Branch	Approximately 1.4 miles downstream of FM 1488	30° 11' 24.09" -95° 45' 7.14"	None	+ 219
		Approximately 1,475 feet upstream of FM 1488	30° 12' 32.07" -95° 45' 33.65"	None	+ 246
Town of Roman Forest	Peach Creek	Approximately 1,375 feet downstream of Roman Forest Boulevard	30° 10' 8.85" -95° 10' 40.37"	None	+ 85
		Approximately 425 feet upstream of Roman Forest Boulevard	30° 10' 25.47" -95° 10' 41.64"	None	+ 86

All elevations referenced to the North American Vertical Datum of 1988 (NAVD).

<sup>1</sup>National Geodetic Vertical Datum of 1929, rounded to nearest whole foot

<sup>2</sup>North American Vertical Datum of 1988, rounded to nearest whole foot

<sup>3</sup>Depth in feet above ground, rounded to nearest whole foot

<sup>4</sup>Mean Sea Level, rounded to the nearest 0.1 meter